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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of :)
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Tabe, Joseph)
)
Serial No. : 10/680,826) Title : ADVANCED WEIGHT RESPONSIVE
) SUPPLEMENTAL RESTRAINT
Filed: October 07, 2003) COMPUTER SYSTEM
)
Group Art Unit : 3616)
)
Examiner : Gooden Barry J)

AMENDMENT

Tabe Joseph
Tajintech Corporation
525 Thayer Avenue, Suite 315
Silver spring, Maryland 20910
240-462-0487
November 05, 2005

NON-FEE AMENDMENT
COMMISIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Amendment is in response to the office communication dated October 06, 2005, setting a one month shortened statutory period for response to the subject matters as originally filed in the application number 10/680,826, filing date October 07, 2003. This response was deposited at the USPO on 11/07/05 because the USPO is close on Sundays and 11/06/11 happens to be a Sunday.

Please amend the application as follows :

Respectfully

Joseph A. Tabe

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RESTRICTION REQUIREMENT

AIRBAG OFFICE ACTION RESPONSE:

Applicant's Argument:

In response to the examiner's restriction requirement mailed10/06/05, Applicant respectfully disagrees with the examiner's position the inventions in which the Examiner suggested restriction on one of the following: Species 1-1X by the Examiner's classification, for reasons of having different patentably distinct species of the claimed invention. However, the applicant contest that the different patentably distinct species of the invention as applied in the invention is centered on at least a process to maximize vehicular occupant's protection in any type of collision without inflicting any further injury to the occupants.

The invention as disclosed and claimed are both species under a claimed genus closely related and connected in design showing different modes of operation, different functions, and their effects as applied in the invention, which is centered on at least one common goal, a process to maximize vehicular occupants protection in any type of collision without inflicting any further injury to the occupants.

The species are closely related that a search and examination of the entire claim can be made without serious burden to the examiner and all the species should be examine in the group in the claim on the merits because the subject matter in the claim shows unity of the invention. Moreover, species 1-5 share a common utility and substantial structural feature disclosed as being essential to that utility.

Important to the present invention is the fact that researches have arguably failed to dependent their innovations on important combination factors influential to fatalities, such as vehicle occupant's weight, vehicle speed, and the vehicle collision force to enable on car safety, which has let to significant room for improvement to ensure extended occupant safety. Please note that the claimed invention dates back to 1997 in its then recent achievements to enabling a variable airbag deployment force control system, and had the same Examiner in record in all attempts to prosecute the invention for a patent. It is only important that the present Examiner, from all previous involvement with the parent application, recognize the difference in a changing technology.

Because seatbelt usage fared worse in major cities and traffic fatality rates were then skyrocketing, applicant innovative approach to reducing the fatality rate is sweeten with the elements of the invention as claimed in claim 34-64. However, because the U.S. seatbelt use rate is currently at 75%, the present invention compensates for all, including the 25% unbelted occupants in other to lower the traffic fatality rates. It is only important to enter in record during the prosecution of this invention that in every traffic crashes in industrialized nations, 9 out of 100,000 in Germany die and less than 6 out of 100,000 in Great Britain die in traffic crashes. Whereas, in the U.S., the fatality rate is over 15 out of 100,000. That is why the applicant has advanced the present invention and a smart seatbelt control system to accelerate occupant's protection and the seatbelt usage rate while also reducing the fatality rate.

The burden is on the Examiner to see or not to see the need for advanced innovation, as it has been noted that occupant's safety has been a subject of intense debate for nearly as long as automobiles have been on the roads. Although seatbelts have been credited with being the most important and effective safety feature currently available in cars, and have been both a point of contention among and a focal point of efforts undertaken by advocates, manufacturers, and government in improving traffic safety, still no organization, inventor, and corporation ever put together a system that will monitor the number of occupants in a vehicle and prompt airbag deployment based on factors that attribute to the validity of the type of injuries occupants sustain during collisions. Besides, it is only as important to know when the vehicle is changing occupants in other to adjust the measured data to meet the changes.

Realistically, seatbelts work as an initial restraint for vehicle occupants both by keeping them in their cars during a crash and by lessening the impact of a crash. But it is also as important to note that during a crash, three distinct forces occur. The first is the force of the vehicle colliding with another vehicle or object. The second is the force of the occupant's body colliding with the interior of the vehicle. The third is the force of the occupant's body organs colliding against the body's skeletal structure. Therefore, applicant strongly contests that restricting the present invention will only lead to causing more harm to vehicle occupants during collision. Besides, seatbelt functions to stop the occupant with the vehicle, enabling the airbag to effectively reduce the body part movement to save life. The claimed invention "Claims 34-64" protects occupants between the collided vehicles to fully prevent these body parts from moving and effectively reducing the fatality rate.

The main difference between the present invention and seatbelt usage is that, seatbelts reduce a person's chances of dying in a crash by 45% and being injured by 50%. Seatbelts also prevent total ejections from a car during a crash, an important factor in preventing fatalities and allowing the airbag to work effectively, since 75% of vehicle occupants who are totally ejected during a crash are killed, according to NHTSA. Though seatbelts also reduce the severity of injuries, the odds of serious injury for people not wearing seatbelts are 4 to 5 times greater than for people who are belted, and the present invention is drawn to compensate for this odd.

In view of the above remarks, Applicant respectfully requests that the restriction requirement be withdrawn and that all the listed species be examined on the merits. However, applicant has amended the claims in view of their dependency. Applicant further claims that the claimed inventions together are designed to minimized vehicle occupant's internal and external body parts movement during an accident. Therefore any attempt to restrict the claimed inventions will obviously reduce the scope of the inventions. In order to comply with the requirement of 35 U.S.C. 121, Applicant elects with traverse the invention of species 1, claim 34, for prosecution at this time.

Respectfully

Joseph Akwo Tabe
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Date: November 5, 2005